761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: May 11, 2006

FILE NO.: FO2158765

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY DANIELLE MAAS #[redacted]
DEPUTY SEAN MALONEY #[redacted]
DEPUTY JONATHAN MELVILLE #[redacted]
NORTH COUNTY CORRECTIONAL FACILITY

On November 10, 2005, an inmate arrived at the 700 housing unit of NCCF as a court-ordered returnee. As Deputy Maas escorted the inmate to his housing assignment on the second floor, the inmate told Deputy Maas that he wanted a bible, and that he wanted to kill himself. The inmate then produced a blade that had been removed from a shaving razor and began cutting his own throat as he reversed direction and began walking away from Deputy Maas. Attempting to contain the inmate and keep him from harming himself further, Deputy Maas requested deputies respond to her location as she sprayed the inmate in the face with her Freeze+P spray; however, the spray had minimal effect.

Deputy Maloney responded from the second floor of the housing area to assist Deputy Maas, as Deputy Maas pursued the inmate down the area ramp to its midway turning point. Deputy Maloney grabbed the inmate's right wrist in an effort to control the weapon. Deputy Maas tackled the inmate, pushing him down onto his back and landing on top him. As the deputies attempted to restrain the inmate, the inmate began kicking and punching at them, which rendered the deputies' efforts to handcuff the inmate ineffective. Supervising Line Deputy Melville arrived to find the inmate rising to his feet amid the deputies' attempts to keep him on the ground. With the inmate still armed and not under control, Deputy Melville kicked the inmate several times in the right torso in an attempt to keep the inmate on the ground. This also proved ineffective.

Deputy Melville deployed his M-26 TASER at the inmate, striking him in the middle of his back. The TASER did not produce the desired effect, as the inmate – still armed with the blade – began again to rise at the completion of the TASER's cycling. The inmate then lunged at Deputy Maas and began choking her; this momentarily incapacitated Deputy Maas, but she was able to break free from the inmate's grasp of her throat. The inmate also struck Deputy Maloney in the right cheek with an elbow, stunning him. Deputy Melville reloaded the TASER and deployed it a second time, striking the inmate in the abdomen; the inmate pulled the darts out. Once on his feet, the inmate attempted to run through Deputy Melville. However, Deputy Melville was able to trip the inmate, who fell to the floor in a prone position and tucked his arms tightly under his torso. Deputy Melville grabbed the inmate's right leg, pulling it and turning it in such a fashion that forced the inmate to stay in a prone position while Deputies Maas and Maloney re-engaged the inmate. Deputy Maas punched the inmate several times in his lower torso as the deputies tried to control the inmate's arms. The deputies ultimately succeeded in forcibly handcuffing the inmate.

The razor blade was recovered from the floor amid the area of the struggle. It was unknown when the inmate lost control of the blade. The inmate was transported to Henry Mayo Newhall Memorial Hospital where it was determined that he had sustained a broken right rib, a broken coccyx (tail bone), and a dislocated lower lumbar. Deputy Melville was not injured in the fight. Deputy Maloney sustained swelling and bruising to his right cheekbone. Deputy Maas sustained redness and soreness to her neck and throat area.

On May 11, 2006, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP § 3-01/025.00: Use of Force; MMP § 3-01/025.10: Unreasonable Force; and MMP § 3-01/050.10: Performance to Standards. Concerning:

MMP § 3-01/025.00: Use of Force and MMP § 3-01/025.10: Unreasonable Force, the Committee determined that the force used by the deputy was reasonable and necessary and in compliance with Department policy. MMP § 3-01/050.10: Performance to Standards, the Committee determined that the tactics employed by the deputies in this incident were within Department Policy.

Johnny G. Jurado, Commander

TABLE OF CONTENTS

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN:	005-01627-5640-145	Date:	11-10-05	Time:	1200
Location:	29340 The Old Road, Castaic				
City or Station:	North County Correctional Facility				
Bureau/Station/Facility:	North County Correctional Facility	Admin. Investigation:	YES ☐ NO ☒		

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
	None		

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
None				

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Pens	Cathrerine	A.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Dawson	Theresa	A.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Lichten	Richard	P.

Watch Commander's Signature: ______________________ Emp #: __________

Copy Provided to Employee by: ______________________ Emp #: __________

Supervisor Completing Form: Elier Morejon (Print) Emp #: [redacted]

Unit Commanders Signature: ______________________ Emp #: __________ Date Signed: __________

PSTD Use Only

FO# 215876

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

See Reverse

Supervisor's Report on Use of Force

URN: 005-01627-5640-145

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	PH	SD	NK
S#1	E#2	PH	SD	FA
S#1	E#3	PK	NN	------
E#1	S#1	TT	FR	BT
E#2	S#1	TT	FR	BT
E#3	S#1	TR	PW	BK
E#3	S#1	TR	PW	AD
E#3	S#1	PK	SD	GR
E#3	S#1	PK	SD	CH

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 005-01627-5640-145

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Maas	Danielle	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	NCCF	700 Prowl #1

Shift		Age	Height	Weight
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	508	135

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	Maloney	Sean	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	NCCF	700 Prowl #3

Shift		Age	Height	Weight
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	510	230

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	Melville	Jonathan	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	NCCF	700 Bonus 1

Shift		Age	Height	Weight
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	510	180

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 005-01627-5640-145

Suspect Information

S1

Last Name: Johnson | First Name: Herbert | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: B | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 50 | Height: 507 | D.O.B. 07-01-54 | Weight: 170 | Armed? ☒

Booking #: 8610638 | Primary Charge: 243(C) PC | Secondary Charge: | Criminal History [redacted]

Hospital Admission? ☒ | Rec'd Treatment At: Henry Mayo Hospital | Coroner Case#: | Mental History ☐

Under Influence: ☐ YES ☒ NO | Substance: ______ | Photos of Suspect's Injuries ☒ YES ☐ NO

Date: 11-11-05 | Time: 1436 | Audiotape: ☒ | Videotape: ☐

Suspect Information

S_

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge: | Secondary Charge: | Criminal History ☐

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case#: | Mental History ☐

Under Influence: ☐ YES ☐ NO | Substance: ______ | Photos of Suspect's Injuries ☐ YES ☐ NO

Date: | Time: | Audiotape: ☐ | Videotape: ☐

Suspect Information

S_

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge: | Secondary Charge: | Criminal History ☐

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case#: | Mental History ☐

Under Influence: ☐ YES ☐ NO | Substance: ______ | Photos of Suspect's Injuries ☐ YES ☐ NO

Date: | Time: | Audiotape: ☐ | Videotape: ☐

Supervisor's Report on Use of Force

URN: 005-01627-5640-145

Non-Employee Witnesses (Continuation)

Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.

INVESTIGATIVE SUMMARY
USE OF FORCE
IAB FO 2158765
URN: 005-01627-5640-145

On Thursday, November 10, 2005, Sergeants Elier Morejon and Gregory Key of the Internal Affairs Bureau responded to North County Correctional Facility regarding a use of force incident. North County Correctional Facility Deputies Danielle Maas, Sean Maloney and Supervising Line Deputy Jonathan Melville were involved in an altercation with a male inmate who was attempting to kill himself. As the deputies attempted to restrain the inmate in an effort to keep him from harming himself further, a struggle ensued, which led to the inmate being sprayed with Freeze + P, kicked in the ribs and the M-26 Taser applied twice. The inmate sustained a broken right rib, a broken coccyx (tail bone), and a dislocated lower lumbar.

The summary of this incident is based on information obtained from reports and other documents regarding North County Correctional Facility File #005-01627-5640-145, along with employee and suspect interviews. **See Exhibits D thru F.**

INVOLVED PERSONNEL

MAAS, Danielle, Deputy, [redacted]
North County Correctional Facility — Personal Weapons (Fist), Control Hold (Takedown), Freeze+P Spray

MALONEY, Sean, Deputy, [redacted]
North County Correctional Facility — Control Hold (Takedown)

MELVILLE, Jonathan, Deputy, [redacted]
North County Correctional Facility — Personal Weapons (Kick), M-26 Taser

SUSPECT

JOHNSON, Herbert MB/50. A check of Inmate Johnson's criminal history revealed that he has [redacted] **See Exhibit -A - Inmate Henderson's criminal history.**

SWORN WITNESSES

None

CIVILIAN WITNESSES

None

NON-EMPLOYEE WITNESSES

None

INJURIES

Inmate Johnson was transported to Henry Mayo Newhall Memorial Hospital where he was examined and treated for a broken right rib, a broken coccyx (tail bone), and a dislocated lower lumbar. Injuries were consistent with the deputies' statements as to the cause. **See Exhibit - B - Pictures of Inmate Johnson's injuries.**

Deputy Maloney sustained swelling and bruising to his right cheekbone.

Deputy Maas sustained redness and soreness to her neck and throat area.

PHYSICAL EVIDENCE

None

INVESTIGATOR OBSERVATIONS

The area where this incident took place is a lengthy ramp which leads from one floor to the next. **See Exhibit - C - Pictures of Scene.**

WEAPONS USED BY DEPUTY PERSONNEL

Personal weapons, Control Holds, Freeze+P Spray and M-26 Taser.

WEAPONS USED BY SUSPECT

Blade, elbow, hands and feet.

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR/CHARGES FILED

None

INVOLVED EMPLOYEE'S STATEMENTS

DEPUTY DANIELLE MAAS

Deputy Maas was assigned as 700 Prowl #1 on the day of this incident. Deputy Maas said she was escorting Inmate Johnson from the 715 Staff Station to Dorm 729. Deputy Maas was following Suspect Johnson up the 700 ramp when he turned around and said, "I can't go into the dorm, I don't have my Bible." Deputy Maas asked Inmate Johnson where his Bible was; he replied, "When I came in and got searched the deputies took it from me and wouldn't give it back." Deputy Maas told Inmate Johnson that he needed to walk to Dorm 729 and she would look for his Bible later and return it to him. Inmate Johnson turned and continued to walk up the ramp but continually asked and talked about needing his Bible. Deputy Maas continued to order Inmate Johnson to walk to Dorm 729.

Inmate Johnson suddenly stopped walking and in a loud voice said, "Then I got to do, what I got to do!" As he made this statement, he dropped his property onto the floor and placed his right clenched hand to the right side of his neck. Deputy Maas said she took a closer look and realized that Inmate Johnson was holding a 1-inch altered razor blade against the right side of his neck. Deputy Maas said that Inmate Johnson immediately began to slice his neck in a downward motion with the razor blade. Deputy Maas said that, fearing for Inmate Johnson's life, she immediately administered a 2-3 second burst of Freeze+P spray directly into Inmate Johnson's face. The Freeze+P spray had no effect on Inmate Johnson who continued to slice his neck. Deputy Maas at this point requested, via her handheld radio, for Deputy Maloney to respond to her location.

Deputy Maas said that Deputy Maloney arrived at her location and she immediately advised him that Inmate Johnson was holding a razor blade in his right hand. Deputy Maloney grabbed onto Inmate Johnson's right forearm and held it away from his neck area. Simultaneously, as Deputy Maloney grabbed Inmate Johnson's right forearm, Deputy Maas walked up to Inmate Johnson and wrapped both her arms around his waist and took him down to the floor. Inmate Johnson landed on his back with Deputies Maas and Maloney on top of him. Deputy Maas said that she again got on her handheld radio and this time requested for Supervising Line Deputy Melville to respond to her location. Inmate Johnson began to struggle and fight as he attempted to get up from the floor. Deputy Maas said she told Inmate Johnson to "stop fighting," but he continued to kick and punch at them.

Deputy Maas said she saw Supervising Line Deputy Melville arrive at her location and she immediately told him that Inmate Johnson had a razor blade in his right hand. Deputy Maas said she heard Supervising Line Deputy Melville tell Inmate Johnson to put his hands behind his back. After several seconds of fighting with Inmate Johnson, Deputy Maas said she saw Supervising Line Deputy Melville kick Inmate Johnson in his right rib cage area. Deputy Maas said that Inmate Johnson's combative behavior did not change, even after the kicks. Deputy Maas said that she stood up and backed away from Inmate Johnson in order to allow Supervising Line Deputy Melville to use the M-26 Taser.

Deputy Maas said,

> Supervising Line Deputy Melville fired his M-26 Taser striking Inmate Johnson in the middle of his back. This had no effect on Inmate Johnson. After the cycle completed, Inmate Johnson continued attempting to get up. Supervising Line Deputy Melville cycled the Taser for a second time, after the second cycle was complete, Inmate Johnson sat up and lunged directly at me with his straightened right arm and cupped my neck with his thumb and four fingers (C-clamp) chocking me. I turned to my left side and shifted my weight back to break away from his chocking grasp, which caused me to fall back to the floor landing on my backside. I was temporarily stunned and had to gasp for air.

Deputy Maas said that as she stood up she saw Inmate Johnson on his back and struggling with Supervising Line Deputy Melville. Deputy Maas placed her right knee on Inmate Johnson's upper left thigh area. Deputy Maas said that due to Inmate Johnson's combative behavior she punched him several times in his lower abdomen area. Deputy Maas said that Inmate Johnson continued fighting; therefore, Supervising Line Deputy Melville fired, for a third time, the M-26 Taser at Inmate Johnson, striking him in the stomach. Inmate Johnson grabbed the darts from his stomach and pulled them out and continued fighting.

Deputy Maas said that with the assistance ofDeputy Maloney and Supervising Line Deputy Melville they were finally able to turn Inmate Johnson onto his stomach. Inmate Johnson immediately tucked his hands under his chest and would not give them up to be handcuffed. During this time, Deputy Maas said that they where unsure if Inmate Johnson was still in possession of the razor blade. Deputy Maas said that because Inmate Johnson would not give up his arms and she did not know where the razor blade was, coupled with his assaultive behavior, she punched him numerous times on his left rib area and approximately 2-3 times on his upper back. Deputy Maas said they were finally able to get control of Inmate Johnson's arms and handcuff him without further incident. **See Exhibit - D - Deputy Maas' supplemental report.**

Deputy Maas said she immediately notified Lieutenant Lichten and Sergeant Pens of the incident.

DEPUTY SEAN MALONEY

Deputy Maloney said he was at staff station 725 waiting for Deputy Maas to escort an inmate to the 725 day room. Deputy Maloney said that Deputy Maas called him via his hand held radio and asked him to assist her at the 700 ramp. Deputy Maloney ran to the opening of the ramp, looked down and saw Deputy Maas spraying an Inmate (later identified as Inmate Johnson) with her Freeze + P in his facial area. Deputy Maloney saw that Inmate Johnson had his right hand clenched up by the right side of his neck area and he was walking away from Deputy Maas. Deputy Maas was on the same side of the ramp as Inmate Johnson and she was walking towards him as if trying to close the distance between the two. Deputy Maloney ran down the opposite side of the ramp in order assist Deputy Maas. As Deputy Maloney ran by Deputy Maas, she informed him that Inmate Johnson had a razor in his hand.

Deputy Maloney said he looked at Inmate Johnson's right hand, which he had at shoulder height, and saw that he was holding a razor blade. Deputy Maloney also saw blood coming from Inmate Johnson's neck area. Deputy Maloney said that, fearing Inmate Johnson would use the razor blade against him or Deputy Maas, he grabbed Inmate Johnson's right wrist with his right hand. Deputy Maloney then using his left hand grabbed onto Inmate Johnson's left collar and attempted to direct him towards the wall in order to control him. Deputy Maas at this time grabbed Inmate Johnson by the waist and together they were able to force Inmate Johnson to the floor. Deputy Maloney said that Inmate Johnson landed on his back with Deputy Maas on top of him. Deputy Maloney said he landed just to the right of Inmate Johnson and still was able to control his right wrist. Deputy Maloney ordered Inmate Johnson to drop the razor blade, but he did not comply. Deputy Maloney said that at this time he heard Deputy Maas call for assistance and for Supervising Line Deputy Melville to their location.

As Supervising Line Deputy Melville arrived, Deputy Maloney heard Deputy Maas tell him that Inmate Johnson had a razor blade in his hand. Deputy Maloney heard Supervising Line Deputy Melville order Inmate Johnson several times to drop the razor and stop fighting. Deputy Maloney said that when Inmate Johnson did not comply with Supervising Line Deputy Melville's orders he saw Supervising Line Deputy Melville kick Inmate Johnson two to three times in the rib area. Deputy Maloney said that the kicks had no effect on Inmate Johnson and he still did not drop the razor blade.

Deputy Maloney said he heard Supervising Line Deputy Melville yell, "Taser!" Deputy Maloney saw that Supervising Line Deputy Melville deployed the Taser into Inmate Johnson's mid-back area, causing Inmate Johnson to tense up. Deputy Maloney said that when the Taser finished its cycle Inmate Johnson began to get up off the floor and rolled his back against the wall, causing the Taser darts to dislodge from his back. Deputy Maloney said that Inmate Johnson spun to his right and struck him on the right side of his face and cheek area with his left elbow. The blow to the face caused Deputy Maloney to feel very light headed. Deputy Maloney said he then saw Inmate Johnson fall to the floor in a seated position with his right leg extended out and his left leg underneath him. Deputy Maloney grabbed Inmate Johnson's shirt from behind and pulled him completely down onto the floor. Deputy Maloney said he saw Supervising Line Deputy Melville fire a second Taser round into Inmate Johnson's stomach area, causing him (Johnson) to again tense up. As soon as the Taser cycle was finished, Inmate Johnson pulled both darts out of his stomach and threw them to the side.

Deputy Maloney said he saw that Supervising Line Deputy Melville was holding and twisting Inmate Johnson's right foot in an effort to turn him onto his stomach. Supervising Line Deputy Melville eventually was able to turn Inmate Johnson onto his stomach were he was handcuffed without further incident. **See Exhibit - E - Deputy Maloney's supplemental report.**

Deputy Maloney said that he reported his force to Sergeant Pens.

SUPERVISING LINE DEPUTY JONATHAN MELVILLE

Supervising Line Deputy Melville said that he heard Deputy Maas' request for assistance on the 700 ramp. He immediately responded to the 700 landing and saw, midway down the ramp, Deputy Maas

grasping Inmate Johnson around the waist with both of her hands. Supervising Line Deputy Melville saw that Inmate Johnson was laying on the floor and attempting to push himself to an upright position. He saw Deputy Maloney attempting to hold Inmate Johnson down. Supervising Line Deputy Melville said he heard Deputy Maas yell, "Hey Senior, he's got a razor." Supervising Line Deputy Melville said he immediately yelled at Inmate Johnson to get down and put his hands behind his back. Inmate Johnson did not comply with the first orders so he yelled at him numerous times to stop fighting and put his hands behind his back. Inmate Johnson still did not comply and continued attempting to get up while saying, "I am going to get you fool!"

Supervising Line Deputy Melville said that fearing for the safety of all personnel present and due to the fact that Inmate Johnson had a razor, he kicked him several times in the right rib cage area in an attempt to stop his assaultive behavior. Inmate Johnson continued to fight. Supervising Line Deputy Melville said that he immediately drew his M-26 Taser and fired one round striking Inmate Johnson in the back. Supervising Line Deputy Melville said that as the Taser cycled Inmate Johnson tensed up, but as the Taser cycle concluded he immediately attempted to get up off the floor again. Supervising Line Deputy Melville said he cycled the Taser a second time with no effect. Inmate Johnson was able to stand up and roll his back against the wall causing the Taser darts to dislodge.

Supervising Line Deputy Melville said that as the darts dislodged Inmate Johnson violently lunged forward, thrusting his right hand outward and striking Deputy Maas in the neck. Inmate Johnson then thrust his left elbow to the side, striking Deputy Maloney on the right side of his face. Inmate Johnson's actions caused both victims to fall backwards and be momentarily stunned. Inmate Johnson immediately moved away from Deputies Maas and Maloney in an attempt to get away. As he walked away, Supervising Line Deputy Melville said he placed his right leg out in front of Inmate Johnson causing him to trip. At the same time Supervising Line Deputy Melville placed his left hand on Inmate Johnson's right shoulder and pushed him to the ground. Inmate Johnson landed in a seated position with his left foot under his right buttocks and his right leg extended in front of him.

Supervising Line Deputy Melville placed his left foot onto Inmate Johnson's right ankle to keep him from getting back up. Supervising Line Deputy Melville replaced the cartridges on the Taser and again fired another round, striking Inmate Johnson in the stomach and right leg. Supervising Line Deputy Melville said that as soon as the Taser cycled through, Inmate Johnson pulled both darts out and threw them onto the floor. Supervising Line Deputy Melville said that Inmate Johnson continued his attempts to get up and continue his assault. Supervising Line Deputy Melville said that in an effort to keep Inmate Johnson from getting up he kicked him in the chest once with his right foot. Supervising Line Deputy Melville re-holstered his Taser and grabbed onto Inmate Johnson's right ankle and foot. Supervising Line Deputy Melville pulled and twisted Inmate Johnson's leg in an attempt to roll him on his stomach so that he could be handcuffed. Inmate Johnson continued his assault and attempted to kick Supervising Line Deputy Melville. Supervising Line Deputy Melville said that with his left leg he kicked Inmate Johnson in the groin area in an effort to stop his assault. The kick to the groin stunned Inmate Johnson enough to allow him to roll the inmate onto his right side, enabling Deputies Maas and Maloney to assist in handcuffing without further incident. **See Exhibit - F - Supervising Line Deputy Melville's supplemental report.**

Supervising Line Deputy Melville said he reported his force to Sergeant Pens.

SWORN WITNESSES

None

NON-EMPLOYEE WITNESS

None

SUSPECT STATEMENTS

HERBERT JOHNSON

Inmate Johnson was interviewed on November 11, 2005, at Henry Mayo Hospital. Inmate Johnson said he arrived at North County Correctional Facility from Men's Central Jail. He said the deputies searched his bag and somehow his red Bible got misplaced. Inmate Johnson said he was being escorted by a female deputy when he asked her for his Bible. Inmate Johnson said he had very important phone numbers in the Bible. The female deputy told him that she would get it later and bring it to him. Inmate Johnson said that he took out a razor and wanted to end it all. He said he had been thinking about killing himself for a long time. Inmate Johnson said that he brought the razor with him from Men's Central Jail and the deputies just didn't find it when they searched him.

Inmate Johnson said he started cutting his neck when the female deputy sprayed him. He said he fell to the floor and about thirty to forty deputies arrived and started to kick him. He said he got shot with a Taser, which "really hurt." Inmate Johnson said the Taser hurt so much that he got up, ripped them out of his body, and tried to get away. He said the deputies knocked him down again and kicked him until they finally handcuffed him. Inmate Johnson said that he is in jail for "Rape" and no one believes that he is innocent, and that is the reason he has been thinking about killing himself. Inmate Johnson denied ever striking any of the deputies. **See Exhibit - G - Photographs of Inmate Johnson's injuries.**

> **IAB NOTE:** The razor was found on the floor after the struggle and disposed of for security reasons. It is unknown at what point Inmate Johnson dropped the razor. **See Exhibit - G - Photograph of razor.**